



**Report to the Legislature**

**Services to Persons with  
Disabilities who have  
Community Protection issues or are  
Diverted/Discharges from State  
Hospitals**

Chapter 7, Laws of 2001, E2, Section 205(1)(c) Uncodified

(Public Safety Proviso)

August 15, 2003

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# Services to Persons with Disabilities who have Community Protection Issues or are Diverted/Discharged from State Hospitals

August 15, 2003

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Chapter 7, Laws of 2001, E2, Section 205(1)(c) called the Public Safety Proviso, requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

## **BACKGROUND**

### **Prison Discharge Clients**

As part of the Public Safety Proviso, the legislature appropriated funds to DDD to provide community supports for 26 individuals with developmental disabilities upon their release from the Department of Corrections (DOC). These funds were provided at an average daily rate of \$275.00 per client/per day.

### **Hospital Discharge/Diversion Clients**

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some developmentally disabled clients to move out of state hospitals when community placement is recommended. Between the periods of August 1996-1998, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, the Washington Protection and Advocacy System filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the legislature to implement a 3-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The supplemental budget passed in the 2000 legislative session included \$6,673,000 to fund phases one and two of the collaborative work plan. Phase 3 of the work plan proposed to establish involuntary treatment facilities. Phase 3 was not initially funded. The legislature instead required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The legislature authorized funds to support Phase 3 at the state psychiatric hospitals in the 2001-2003 operating budget.

As part of the Public Safety Proviso, the legislature appropriated funds to DDD to provide community supports for eighteen (18) individuals with developmental disabilities upon their release from state psychiatric hospitals and thirty (30) individuals with developmental disabilities who utilized diversion beds in an effort to avoid unnecessary hospitalization. These funds were provided at an average daily rate of \$275.00 per client/per day.

## **STATUS**

### **Prison Discharge Clients**

Twenty-six (26) individuals have been placed into the Division's Community Protection Program this biennium. Twenty-one (21) were from DOC; four (4) were from the Department of Social and Health Services (DSHS) Juvenile Rehabilitation Administration, and one from the federal prison system. The average daily rate is \$288.66. (See attached spreadsheet under Prison Outplacements).

During the quarter April 2003 through June 2003 three individuals were placed in the community. All three individuals were clients of the division and had received services prior to being incarcerated. Two of the three were in prison for sexual offenses and the other was for a violent offense.

RJ was convicted for two counts of Child Molestation in the First Degree. His victims were both young boys. RJ's pattern of offending is against acquaintance minor males. His victim range is 6-10 years old and access was gained through befriending the victim's parents. He also has a history of abusing alcohol and marijuana. While in prison he completed the Sex Offender Treatment Program. He has been designated a Dangerous Mentally Ill Offender (DMIO) and is required to register as a Level One Sex Offender.

JT was convicted of Robbery First Degree. He robbed two convenience stores with a gun and threatened to kill the store clerks. The Division provided respite care for him prior to his being placed in a therapeutic foster home with Children's Administration

(CA). Prior to his latest convictions he was incarcerated within the juvenile justice system and Western State Hospital. JT was deemed eligible for the Dangerous Mentally Ill Offender (DMIO) Program.

JH was convicted of Child Molestation in the First Degree, two counts in 1995. His victims were a seven-year-old female and a four-year-old boy he babysat. He was closely associated with the family and the children called him "uncle". He was granted the Special Sex Offender Sentencing Alternative (SSOSA). In 1997 the SSOSA was revoked for being terminated from community based sexual deviancy treatment and for following female children daily for sexual gratification. Prior to his conviction he received supported living services from the division. He also has a past history of harassing telephone calls and bomb threats. He would call women and ask them what color underwear they were wearing, and then tell them if they wouldn't meet him for sex he would trigger a bomb. He has been deemed eligible for the DMIO program and registers as a Level 2 Sex Offender.

Housing for individuals who must register as sex offenders is becoming increasingly difficult to secure. Division staff has participated in several public meetings held by the local law enforcement agencies for community notification of registered sex offenders.

## **Hospital Discharge/Diversion Clients**

### ***Hospital Outplacements***

The Division of Developmental Disabilities has placed nineteen clients out of the state psychiatric hospitals since July 1, 2001 with an average daily rate of \$270.32. (See attached spreadsheet under Hospital Outplacements. It is noted here that the division placed these 19 individuals using 18 funded outplacement slots).

For the quarter April 2003 through June 2003, two clients were placed into Intensive Supported Living Services (ISLS). Prior to community placement, these individuals received habilitative mental health services at Western State Hospital (WSH) as part of the WSH DDD specialized treatment unit. These inpatient services included group and individual counseling services, vocational services, and highly specialized individual treatment services and planning, including functional assessments and positive behavior support plans.

JC was transferred from Pierce Co Jail to WSH in September of 2002 after being arrested for criminal trespassing and indecent exposure. JC has had multiple admissions to local community hospitals and triage centers for treatment of schizophrenia. JC was discharged on an LRA from WSH on June 30, 2003 and resides in a DDD Certified Community Protection Program. He receives mental health services from a local community mental health center and treatment from a certified SOTP

therapist. He is also working with a vocational vendor to develop vocational programming.

JK was admitted to WSH in December 2002 after setting his parents home on fire. Before going to WSH JK was admitted to a local community hospital but was transferred to WSH after starting a fire in his hospital room, clogging toilets and flooding the bathroom. JK was discharged on June 30, 2003 to a DDD Certified Community Protection Program. He receives mental health services, SOTP services and is working with a vocational vendor to develop vocational programming.

### ***Diversion Bed Outplacements***

The Division of Developmental Disabilities has placed thirty-four (34) clients into the community from the crisis diversion beds since July 1, 2001, with an average daily rate of \$273.48 (See attached spreadsheet under Diversion Bed Outplacements. It is noted here that the division placed these 34 individuals using 30 funded outplacement slots).

For the quarter April 2003 through June 2003, four (4) clients were placed from diversion beds into proviso-funded residential services and supports.

DDD Region 2 utilized their diversion bed outplacement funds to support CK's (#31) community placement from ESH. CK was living at home with his parents and was admitted to ESH in January 2003 after intentionally overdosing on Tylenol in a suicide attempt. CK had a history of depression and previous suicide attempts, including three attempts within a 24-hour period prior to his ESH admission. During his admission, it became apparent that CK could not return home with his elderly parents. Upon discharge, CK went to live with two other DDD supported individuals residing in a Supported Living/ITS program with 24-hour supports and services. CK receives mental health services on a regular basis, including therapy and medication services to combat his depression. Because CK recently graduated from high school he did not need vocational support funds however, now that he has completed high school the region will assist CK in obtaining vocational supports.

DDD Region 6 utilized their diversion bed outplacement funds to support TB's community placement from WSH. TB had a history of predatory behaviors against children and was admitted to WSH after allegedly sexually assaulting her nephew in TB's home, where she resided with her brother's family. While at WSH, DDD obtained a psychosexual evaluation and it was determined that TB would benefit from residing in a DDD Certified Community Protection Program. TB now has two housemates, and was able to purchase furniture and other necessities from start-up funds. TB receives mental health services from the local community mental health center and is in therapy with an SOTP. TB has refused to participate in any vocational or day services outside her home however; her residential staff continues to work towards a referral for these services.

DDD Region 3 used their diversion bed funds to support community placement for EK. EK had most recently been supported in an AFH with 144 hours of MPC per month. He had lived alone with MPC supports and with his parents as well. Due to his aggressive behavior, which escalated when his mental health symptoms went untreated, EK was at risk of state hospitalization. While in the diversion bed, EK has a complete psychiatric evaluation. Medications were prescribed that treated his agitation and delusions and he began to stabilize. Because his behaviors had escalated to include assault, he could not return to the AFH. EK now resides in a home with two other DDD supported individuals and receives 24-hour supports. EK gets his mental health services from the local community mental health center, has a protective payee, and is in both individual and group supported employment.

DDD Region 4 utilized their diversion bed funds to support CK's (#34) community placement from WSH. CK had first been admitted to WSH from Rainier School in 1994 after he was convicted of sexually abusing his younger sister over a period of 7 years. He was discharged to the community in 1989 and contracted HIV, possibly secondary to drug use. 6 months later, CK was readmitted to WSH where he received treatment until his discharge this quarter. CK now resides in a DDD Certified Community Protection Program and receives mental health supports as well as specialized medical supports. It is highly likely that as his HIV disease takes its course, CK will experience a reoccurrence of more florid mental health symptoms impacting the capacity of the community providers to deliver necessary health care.

**2001-2003**  
**Proviso Tracking OUTPLACEMENT TOTALS**  
**8th Quarter Totals**

					Type of Services				Expenditures	
Diversions Bed Outplacements		Previous	Residential	Number of	Residential	Day Services	Other	Therapies	Average	Total Expend.
Region	Client Number	Residence	Start Date	Days in Service	Daily Rate	Daily Rate	Daily Rate	Daily Rate	Daily Expend.	To Date
4	#1 AH	Family Home	07/26/01	705	\$ 246.00	\$ 24.00	\$ -	\$ -	\$ 270.00	\$ 190,350.00
6	#2 MA	Group Home	08/19/01	681	\$ 274.90	\$ -	\$ -	\$ -	\$ 274.90	\$ 187,206.90
1	#3 JP	Adult Family Home	11/01/01	607	\$ 234.39	\$ 24.00	\$ -	\$ -	\$ 258.39	\$ 156,842.73
3	#4 CS	Adult Family Home	11/01/01	607	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 166,864.30
6	#5 GM	Group Home	12/01/01	577	\$ 42.03	\$ -	\$ 10.00	\$ -	\$ 52.03	\$ 30,021.31
2	#6 MH	Group Home	12/17/01	561	\$ 267.15	\$ -	\$ -	\$ 10.00	\$ 277.15	\$ 155,481.15
4	#7 TR	Adult Family Home	12/20/02	558	\$ 235.05	\$ 24.00	\$ 10.00	\$ -	\$ 269.05	\$ 150,129.90
6	#8 JE	Adult Family Home	01/07/02	540	\$ 212.87	\$ -	\$ -	\$ 10.00	\$ 222.87	\$ 120,349.80
2	# 9 OH	ITS	02/01/02	515	\$ 250.89	\$ 24.00	\$ -	\$ -	\$ 274.89	\$ 141,568.35
4	#10 MS	Parents Home	03/01/02	487	\$ 249.50	\$ 24.00	\$ -	\$ -	\$ 273.50	\$ 133,194.50
5	#11 OL	Homeless	03/01/02	487	\$ 263.33	\$ 18.00	\$ -	\$ 10.00	\$ 291.33	\$ 141,877.71
3	#12 AE	Adult Family Home	03/15/02	473	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 130,027.70
1	#13 BW	Adult Family Home	03/29/02	459	\$ 242.41	\$ 17.34	\$ -	\$ 10.00	\$ 269.75	\$ 123,815.25
5	#14 WF	ITS	04/02/02	455	\$ 227.84	\$ 20.00	\$ -	\$ 10.00	\$ 257.84	\$ 117,317.20
2	#15 CP	Ind Provider	05/15/02	412	\$ 245.03	\$ 21.37	\$ -	\$ -	\$ 266.40	\$ 109,756.80
3	#16 TD	ITS	06/01/02	395	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 108,585.50
1	#17 SG	homeless	06/28/02	368	\$ 210.00	\$ 16.43	\$ -	\$ 8.21	\$ 234.64	\$ 86,347.52
6	#18 CD	ITS/SL	08/19/02	316	\$ 84.48	\$ -	\$ -	\$ -	\$ 84.48	\$ 26,695.68
6	#19 GM	ITS/SL	08/22/02	313	\$ 36.78	\$ -	\$ -	\$ -	\$ 36.78	\$ 11,512.14
6	#20 DS	AFH & ITS	09/06/02	298	\$ 168.10	\$ -	\$ 10.00	\$ 10.00	\$ 188.10	\$ 56,053.80
5	#21 DH	ITS/SL	09/26/02	278	\$ 249.77	\$ 20.00	\$ -	\$ 10.00	\$ 279.77	\$ 77,776.06
3	#22 JH	ITS/SL	10/01/02	273	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 75,047.70
4	#23 AM	Homeless	10/18/02	256	\$ 249.50	\$ 24.00	\$ -	\$ -	\$ 273.50	\$ 70,016.00
6	#24 DS	GH	10/29/02	245	\$ 223.12	\$ -	\$ 10.00	\$ 5.00	\$ 238.12	\$ 58,339.40
4	#25 RD	AFH	11/30/02	213	\$ 250.90	\$ 24.00	\$ -	\$ -	\$ 274.90	\$ 58,553.70
4	#26 JC	ITS/SL	11/27/02	216	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 59,378.40
5	#27 JP	ITS/SL/WSH	01/10/03	172	\$ 332.03	\$ -	\$ 18.08	\$ -	\$ 350.11	\$ 60,218.92
5	#28 MT	ARC	02/01/03	150	\$ 246.97	\$ 20.00	\$ -	\$ -	\$ 266.97	\$ 40,045.50
6	#29TW	WSH	03/01/03	122	\$ 70.40	\$ -	\$ -	\$ -	\$ 70.40	\$ 8,588.80
1	#30 CB	parents home	03/01/03	122	\$ 221.35	\$ 16.50	\$ -	\$ 10.00	\$ 247.85	\$ 30,237.70
2	# 31 CK	parents home/ESH	04/01/03	91	\$ 260.32	\$ -	\$ -	\$ 11.57	\$ 271.89	\$ 24,741.99
6	#32 TB	brother's home	04/01/03	91	\$ 182.17	\$ -	\$ 10.00	\$ 12.33	\$ 204.50	\$ 18,609.50
3	#33 EK	MH residential	04/08/03	84	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 23,091.60
4	#34 CK	WSH	04/15/03	77	\$ 263.15	\$ -	\$ -	\$ 11.84	\$ 274.99	\$ 21,174.23
Average for Diversions Bed Outplacements									\$ 241.31	\$ 2,969,817.74
					Average less 4				\$ 273.48	

placed as part of # 8

placed as part of # 20  
placed as part of # 24

placed as part of # 29

**2001-2003**  
**Proviso Tracking OUTPLACEMENT TOTALS**  
**8th Quarter Totals**

					Type of Services				Expenditures	
Hospital Outplacements		Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Average Daily Expend.	Total Expend. To Date
6	#1 JC	WSH	09/10/01	659	\$ 254.90	\$ -	\$ 10.00	\$ 10.00	\$ 274.90	\$ 181,159.10
3	#2 ST	WSH	08/01/01	699	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 192,155.10
4	#3 DH	WSH	10/22/01	617	\$ 207.80	\$ 24.00	\$ -	\$ -	\$ 231.80	\$ 143,020.60
5	#4 LM	WSH	12/28/01	542	\$ 254.89	\$ 20.00	\$ -	\$ -	\$ 274.89	\$ 148,990.38
5	#5 RG	WSH	12/28/01	542	\$ 254.89	\$ 20.00	\$ -	\$ -	\$ 274.89	\$ 148,990.38
2	#6 ES	ESH	12/06/01	572	\$ 258.67	\$ 24.00	\$ -	\$ 14.80	\$ 297.47	\$ 170,152.84
6	#7 KS	WSH	01/31/02	516	\$ 274.90	\$ -	\$ -	\$ -	\$ 274.90	\$ 141,848.40
4	#8 AH	WSH	02/01/02	515	\$ 249.50	\$ 24.00	\$ 6.60	\$ 14.50	\$ 294.60	\$ 151,719.00
5	#9 KT	WSH	05/01/02	426	\$ 243.96	\$ 20.00	\$ -	\$ 10.00	\$ 273.96	\$ 116,706.96
6	#10 LL	WSH	08/21/02	314	\$ 171.25	\$ -	\$ 10.00	\$ 5.00	\$ 186.25	\$ 58,482.50
6	#11 GM	WSH	08/22/02	313	\$ 88.59				\$ 88.59	\$ 27,728.67
6	#12 JH	WSH	08/01/02	334	\$ 244.00	\$ 30.00	\$ -	\$ 10.00	\$ 284.00	\$ 94,856.00
1	#13 BS	ESH	11/18/02	225	\$ 258.50	\$ 16.50	\$ -	\$ -	\$ 275.00	\$ 61,875.00
5	14 TM	WSH	01/09/03	173	\$ 241.55	\$ 20.00	\$ -	\$ 10.00	\$ 271.55	\$ 46,978.15
1	#15 HF	ESH	01/15/03	167	\$ 206.24	\$ -	\$ -	\$ -	\$ 206.24	\$ 34,442.08
1	#16AC	ESH	03/19/03	104	\$ 207.09	\$ 16.50	\$ -	\$ 10.00	\$ 233.59	\$ 24,293.36
4	#17ES	WSH	03/30/03	93	\$ 246.23	\$ 24.00	\$ -	\$ 4.21	\$ 274.44	\$ 25,522.92
5	#18 JC	WSH	06/30/03	1	\$ 263.85	\$ 20.00	\$ -	\$ 15.00	\$ 298.85	\$ 298.85
5	#19 JK	WSH	06/30/03	1	\$ 244.88	\$ 20.00	\$ -	\$ 10.00	\$ 274.88	\$ 274.88
Average for Hospital Outplacements									\$ 256.09	\$ 1,768,921.44
					Average less 1				\$ 270.32	

placed as part of # 10



**2001-2003**  
**Proviso Tracking OUTPLACEMENT TOTALS**  
**8th Quarter Totals**

					Type of Services				Expenditures	
Prison Outplacements		Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Average Daily Expend.	Total Expend. To Date
6	#1 SB	DOC	07/01/01	730	\$ 307.14	\$ -	\$ 3.61	\$ 26.27	\$ 337.02	\$ 246,024.60
6	#2 PR	DOC	07/01/01	730	\$ 247.50	\$ -	\$ 20.88	\$ 26.27	\$ 294.65	\$ 215,094.50
5	#3 TC	DOC	11/21/01	587	\$ 240.01	\$ 20.00	\$ -	\$ 14.80	\$ 274.81	\$ 161,313.47
3	#4 TB	DOC	01/01/02	546	\$ 273.00	\$ 26.97	\$ -	\$ 10.00	\$ 309.97	\$ 169,243.62
3	#5 DT	DOC	02/01/02	515	\$ 273.00	\$ 26.00	\$ -	\$ 10.00	\$ 309.00	\$ 159,135.00
4	#6 EW	Juvenile Rehab	03/01/02	487	\$ 320.62		\$ 6.57		\$ 327.19	\$ 159,341.53
5	#7 DB	DOC	03/01/02	487	\$ 262.13	\$ 20.00	\$ -	\$ 15.00	\$ 297.13	\$ 144,702.31
3	#8 JB	Juvenile Rehab	04/02/02	455	\$ 272.00	\$ 20.00	\$ -	\$ 10.00	\$ 302.00	\$ 137,410.00
6	#9 JWB	DOC	06/20/02	375	\$ 244.00	\$ 20.00	\$ -	\$ 17.37	\$ 281.37	\$ 105,513.75
4	#10 DO	DOC	05/28/02	399	\$ 239.87	\$ 20.00	\$ -	\$ 12.00	\$ 271.87	\$ 108,476.13
4	#11 MC	Fed DOC	04/24/02	433	\$ 244.08	\$ 20.00	\$ -	\$ 12.00	\$ 276.08	\$ 119,542.64
1	#12 JB	DOC	08/14/02	321	\$ 260.72	\$ 16.44	\$ -	\$ 10.00	\$ 287.16	\$ 92,178.36
1	#13 JR	DOC	08/15/02	320	\$ 260.72	\$ 16.44	\$ -	\$ 10.00	\$ 287.16	\$ 91,891.20
2	#14 KH	DOC	07/31/02	335	\$ 260.25	\$ 24.00	\$ -	\$ 14.79	\$ 299.04	\$ 100,178.40
2	#15 CT	DOC	08/15/02	319	\$ 231.15	\$ 19.98	\$ 10.91	\$ 11.83	\$ 273.87	\$ 87,364.53
4	#16 BW	DOC	08/18/02	317	\$ 245.93	\$ 24.00	\$ 6.57	\$ 16.27	\$ 292.77	\$ 92,808.09
5	#17 PS	Juvenile Rehab	08/21/02	314	\$ 229.30	\$ 19.98	\$ -	\$ 14.79	\$ 264.07	\$ 82,917.98
5	#18 TH	DOC	09/26/02	278	\$ 254.06	\$ 19.98	\$ -	\$ 14.79	\$ 288.83	\$ 80,294.74
4	#19 BG	DOC	10/09/02	265	\$ 245.93	\$ 24.00	\$ 6.57	\$ 16.27	\$ 292.77	\$ 77,584.05
5	#20 HV	DOC	11/25/02	217	\$ 256.04	\$ 19.98	\$ -	\$ 14.79	\$ 290.81	\$ 63,105.77
6	#21 TM	DOC	10/01/02	273	\$ 232.00	\$ 34.00	\$ 1.00	\$ 10.00	\$ 277.00	\$ 75,621.00
6	#22 NA	DOC	10/01/02	273	\$ 232.00	\$ 34.00	\$ -	\$ 10.00	\$ 276.00	\$ 75,348.00
6	#23 CG	Juvenile Rehab	10/25/02	249	\$ 232.00	\$ 34.00	\$ -	\$ 10.00	\$ 276.00	\$ 68,724.00
1	#24 RJ	DOC	05/15/03	47	\$ 260.72	\$ 16.44	\$ -	\$ -	\$ 277.16	\$ 13,026.52
5	#25 JT	DOC	06/09/03	21	\$ 257.17	\$ 20.00	\$ -	\$ -	\$ 277.17	\$ 5,820.57
5	#26 JH	DOC	06/30/03	1	\$ 229.30	\$ 20.00	\$ -	\$ 15.00	\$ 264.30	\$ 264.30
Average for Prison Outplacements									\$ 288.66	\$ 2,732,925.06
Total Average Daily Expenditures based on 74 clients									\$ 278.05	
Total Expenditures to Date										\$ 7,471,664.24